

REMARKS

The Office Action dated August 31, 2006 has been carefully reviewed and the foregoing remarks are made in response thereto. In view of the following remarks and amendments to claims 1, 3 and 19-21, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Claims 2, 4, and 18 have been cancelled. Claims 1, 3 and 19-21 have been amended. Support for the claim amendments may be found throughout the specification. Specifically, support for the phrase “administering Fibroblast Growth Factor 18 (FGF-18) to said subject in an amount effective to increase FGF-18 levels in the subject's hippocampus” may be found in paragraph [19]. No prohibited new matter has been added.

I. Summary of the Office Action.

1. Claims 1, 3, 5-17, and 19-21 will be pending upon entry of the attached amendment.
2. Claims 3 and 19 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement.
3. The Examiner has rejected claims 1-4 and 18-21, under 35 U.S.C. § 112, second paragraph, as purportedly indefinite.
4. The Examiner has rejected claims 1-4 and 18-21 under 35 U.S.C. 102(b) as allegedly anticipated by Ellsworth *et al.*
5. No claims are allowed.

II. Response to the Office Action.

1. Claim rejections: Enablement.

Claims 3 and 19 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement, purportedly because the specification, which is enabling for a method of increasing cognitive performance in rats, does not reasonably provide enablement for a method of treating attention deficit, epilepsy, schizophrenia, Alzheimer's disease and amnesiac syndromes. Claims 3 and 19 have been amended to delete non-elected species. Applicants respectfully request withdrawal of this rejection.

2. Claim rejections: Indefiniteness

The Examiner has rejected claims 1-4 and 18-21, under 35 U.S.C. § 112, second paragraph, as purportedly indefinite for allegedly omitting essential steps. Claims 1, 3, and 19-21 have been amended to identify the individual receiving treatment as “one in need thereof”.

3. Claim rejections: Ellsworth *et al.*

The Examiner has rejected claims 1-4 and 18-21 under 35 U.S.C. 102(b) as allegedly anticipated by Ellsworth *et al.* Applicants respectfully traverse this rejection.

Ellsworth *et al.* does not disclose methods of enhancing memory, attentive cognition or learning in a subject in need thereof, comprising the step of administering Fibroblast Growth Factor 18 (FGF-18) in an amount effective to increase FGF-18 levels in the subject's hippocampus. Allegedly, the abstract by Ellsworth *et al.* discloses that infusion of FGF-18 reduces infarct volume and behavioral deficits, including working memory, exploratory behavior and motor activity, in a rat model for stroke caused by occlusion of the middle cerebral artery in rats. Ellsworth *et al.* neither teach nor suggest a method of increasing FGF-18 levels in the hippocampus of the treated subject. Ellsworth *et al.* discloses that infusion of FGF-18 reduces infarct volume and behavioral deficits, including working memory, exploratory behavior and motor activity, in a rat model for stroke caused by occlusion of the middle cerebral artery in rats. This model does not implicate the hippocampus.

Because Ellsworth *et al.* do not teach or suggest the claimed methods of the amended claims, Applicants respectfully request withdrawal of this rejection.

III. Conclusion.

Applicants believe that the above-referenced application is in condition for allowance. Reconsideration and withdrawal of the outstanding rejections and early notice of allowance to that effect is respectfully requested.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 13-3250, reference No. 17357.01202US. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

If the Examiner finds that a telephone conference would further prosecution of this application, the Examiner is invited to contact the undersigned at 202-835-7553.

Respectfully submitted,

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